

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MILTON MANNING,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

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CV 04-924-AS

ORDER

HAGGERTY, Chief Judge:

On December 22, 2005, Magistrate Judge Ashmanskas issued a Findings and Recommendation in this action [30], in which the Magistrate Judge recommended that the decision of the Social Security Commissioner be affirmed. Plaintiff filed a Motion for Reconsideration, which was granted. Upon reconsideration, the Magistrate Judge reaffirmed his prior ruling. No objections were filed.

The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). A district court "may accept, reject, or modify, in whole or in part, the

findings or recommendations" made by a magistrate judge. 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written objections and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Thomas v. Arn*, 474 U.S. 140, 149-150 (1985); *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974). No clear error appears on the face of the record, and the court adopts the Magistrate's Findings and Recommendation.

### **CONCLUSION**

The Findings and Recommendation [30] is adopted in its entirety. The decision of the Commissioner of Social Security is affirmed.

IT IS SO ORDERED.

Dated this 30 day of January, 2006.

/s/Ancer L.Haggerty  
ANCER L. HAGGERTY  
United States District Judge